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**MORAL AND ETHICAL DISTINCTIONS BETWEEN DERIVING AND USING STEM CELLS
FOR RESEARCH DOG BIOETHICS ADVISORY COMMISSION'S DELIBERATIONS**

The National Bioethics Advisory Commission (NBAC) is poised to back public spending for human embryonic stem cell research, though some members said Monday that the panel should give thought to restricting its recommendation to funding solely for the "use" and not for the derivation of stem cells from human embryos.

NBAC is reviewing a preliminary, staff-drafted report containing a recommendation, supported by the large majority of commission members, that says "research involving the derivation and use of stem cells from embryos remaining after infertility treatments is ethically acceptable for federal funding, given an appropriate framework for public oversight and review."

Acting on the draft NBAC recommendation would require a change in federal law that currently forbids federal support for experiments with human embryos.

President Clinton asked the commission to review the ethical issues surrounding human stem cell research in light of recent advances indicating that stem cells--which are capable of becoming almost any cell--could lead to breakthrough therapies for a range of afflictions, including heart disease, Parkinson's and juvenile diabetes. The National Institutes of Health (NIH) already has decided that it will fund work with stem cells, arguing that its grantees can conduct research with embryonic stem cells derived with private funds, even if they are forbidden from working with the embryos themselves.

At the meeting in Washington Monday, three members of the 17-member panel noted that there might be some advantages to a use-only policy. They said there could be greater public acceptance of taxpayer-funded stem cell experiments if federally-supported scientists were not involved with actually extracting the stem cells from human embryos.

Thomas Murray, president of the Hastings Center, a bioethics think tank, said his fellow commissioners should consider whether restricting federal funding solely to use--thus requiring publicly-backed scientists to obtain stem cells from the private sector--is a position that would allow scientists to achieve their goals while causing the least offense to potential opponents.

"If we get the same results, should we choose a course that does not offend?" Murray said.

NBAC Chair and Princeton University President Harold Shapiro polled members on their position.

Murray, Bette Kramer, president of the Richmond Bioethics Consortium, and James Childress, who teaches both religious studies and medical education at the University of Virginia, said while they are not necessarily opposed, they are not yet ready to endorse funding for extracting stem cells from human embryos.

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Murray said in an interview that he "abstained" from supporting funding for derivation because the commission has not yet "made the case" for the recommendation. "I think we have failed to give a full airing to the arguments," he said.

Kramer, in remarks to her fellow commissioners, said that while she personally supports federal funding for both use and derivation, she is concerned by the reaction to the draft recommendation from people "who have a problem with the use of embryos." She said she started to consider whether "there is room for moral compromise if we separate use (from derivation) at least for an interim time."

Kramer said she does not want the commission's report on stem cell research to suffer the same fate as the 1994 report produced by the NIH Human Embryo Research Panel, whose proposal to provide funding for certain types of embryo research sparked a backlash that led to the current ban.

A number of commission members spoke in favor of federal funding for both use and derivation, arguing that unlocking the therapeutic potential of stem cells will not happen as quickly if public-sector scientists are dependent on the private sector for embryonic stem cells. They said this could be particularly true for research involving the use of stem cells for rare diseases or those that affect minorities.

Carol Greider, a molecular biologist at Johns Hopkins University School of Medicine, said "throwing the playing field open to a much larger number of people" should increase the number of discoveries. She also noted that publicly-funded scientists could be prevented from working with stem cells because obtaining research materials from private companies can involve agreements that are "so onerous that institutions won't sign" them.

In addition, Greider said that while publicly-funded scientists already have the legal authority to derive stem cells from aborted fetuses--and that they appear to be similar to those extracted from embryos--there may be differences that, upon further study, will prove significant. She said the only way to determine this is to give researchers access to stem cells from both sources.

Shapiro said he "still favors" federal funding for extracting stem cells from donated embryos but that he wanted to get a better feel for where the commission stands, as NBAC expects to issue a final report on the matter later this summer.

Shapiro said that while he favors a recommendation that would involve funding for both use and derivation, he believes the final report should make a clear distinction between the two paths of research. An early draft of the report claims "It is NBAC's view there is no compelling ethical justification for distinguishing between the derivation and use of human stem cells."

That statement was cited by opponents of NIH's stem cell funding initiative as supporting their contention that use and derivation are inseparable and that, even if NIH does not fund work directly with embryos, supporting experiments with stem cells derived from embryos would place it in violation of the ban.

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"I think that has to be changed," Shapiro said of the draft wording. "The language used here is not very helpful. There is a difference."

Two former members of the 1994 Human Embryo Research Panel wrote NBAC's executive director, Eric Meslin, in May, arguing that the commission should "provide separate arguments for each of these recommendations (use and derivation) rather than treating them as if they were ethically indistinguishable." Ronald Green, a religion professor at Dartmouth College, and Carol Tauer, a philosophy professor at Minnesota's College of St. Catherine, said that "while these two activities are closely linked, they are not similar in all relevant respects."

"Moreover, denial of the distinction appears politically imprudent," they wrote. "Opponents of NIH's plan to fund research using already-existing stem cells argue that such research is banned under the Congressional prohibition. The position proposed by NBAC, that there is no ethical distinction, lends support to the erroneous arguments of these critics."

--Matthew Davis

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